

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Marin R. Kopper, D.H.  
License No. H6788

**STIPULATION AND ORDER  
FOR CONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dental hygienists, to refer complaints against dental hygienists to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Marin R. Kopper, D.H. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint(s) and referred the matter to the Minnesota Attorney General's Office for investigation. On July 22, 2010, the Committee reviewed the investigative report regarding Licensee's chemical dependency and felony charge deciding that disciplinary action is warranted against Licensee. Therefore, the Committee and Licensee have agreed that the matter may now be resolved by this stipulation and order.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Committee as follows:

A.     Jurisdiction. Licensee holds a license to practice dental hygiene in the State of Minnesota from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Licensee states that Licensee does not hold a license to practice dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This Stipulation is based on the following Committee findings:

1. Licensee has engaged in personal conduct which brings discredit to the profession of dental hygiene and may be unable to practice dental hygiene with reasonable skill and safety due to a physical, mental, emotional, or other disability.

a. On December 15, 2009, Licensee self-reported to the Health Professionals Services Program ("HPSP"). During her intake interview, Licensee told the HPSP that she called in forged prescriptions for Valium and Vicodin for herself using a patient's name. Licensee also reported to the HPSP that her primary substance of abuse is alcohol besides abusing benzodiazepines and opiates. Moreover, Licensee informed the HPSP that she has scheduled a chemical dependency assessment at Zumbro Valley Mental Health Center ("Zumbro") in Rochester, Minnesota.

b. On December 18, 2009, Licensee completed a chemical dependency assessment at Zumbro. The assessor's diagnosed alcohol, sedative/anxiolytic, and opiate dependencies recommending, among other things, an outpatient treatment program for Licensee.

c. On December 29, 2009, Licensee signed a Participation Agreement with HPSP to monitor her chemical dependency. To date, Licensee is compliant with the requirements of the HPSP monitoring program.

d. On December 31, 2009, Licensee was interviewed by a police investigator from the Rochester Police Department about her forging prescriptions at a local pharmacy. Licensee admitted to the investigator that she has been forging prescriptions for about one year using several other fictitious and non-fictitious names.

e. On January 4, 2010, Licensee entered outpatient treatment at Zumbro completing treatment on March 1, 2010, with the requirement to complete aftercare treatment.

f. On March 1, 2010, Licensee was formally charged with three felonies for fifth-degree controlled substance crimes and two misdemeanors for unlawful possession of pharmacy or legend drugs in Olmsted County, Minnesota. On June 24, 2010, Licensee pleaded guilty to one felony count of a controlled substance crime in the fifth-degree.

C. Violations. The Committee concludes that the practices described above constitute violations of Minn. Stat. §§ 150A.08, subd. 1(2) (an admission of guilt in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry), 150A.08, subd. 1(5) (improper unauthorized use of a legend drug, chemical or controlled substance), 150A.08, subd. 1(6) (unprofessional conduct), and 150A.08, subd. 1(8) (physical, mental, emotional or other disability which adversely affects ability to perform as a dental hygienist), and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order which places **CONDITIONS** on Licensee's license to practice dental hygiene in the State of Minnesota, as follows:

### **CONDITIONS**

Licensee's license shall be subject to the following conditions:

1. Participation in HPSP.

a. Licensee must continue with her participation in the HPSP for monitoring of her chemical dependency recovery. Licensee shall provide HPSP with a copy of this stipulation and order after being adopted by the Board.

b. Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice without conditions.

c. Licensee shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Licensee's failure to comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

d. Licensee shall totally abstain from ingesting, injecting, or otherwise taking or using any mood-altering chemical or drug, including, but not limited to alcohol. This prohibition does not apply to legend drugs, including controlled substances, which are prescribed for Licensee by a licensed physician or dentist as part of a course of treatment.

2. Other Conditions.

a. Licensee shall comply with the laws or rules of the Board of Dentistry. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Licensee shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minn. R. 3100.6350 shall be applicable to such requests.

c. In Licensee's practice of dental hygiene, Licensee shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through 6950.1080, and with Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Service.

d. If the Board receives a complaint alleging additional misconduct or deems it necessary to evaluate Licensee's compliance with this stipulation and order, the Board's authorized representatives shall have the right to inspect Licensee's dental office(s) during normal office hours without prior notification and to select and temporarily remove original patient records for duplication. Licensee shall fully and timely cooperate with such inspections of Licensee's office and patient records.

e. In the event Licensee should leave Minnesota to reside or practice outside the state, Licensee shall notify the Board in writing of the new location within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota unless Licensee demonstrates that practice in another state conforms completely to this stipulation and order.

E. Removal of Conditions. Licensee may petition to have the conditions removed from Licensee's license at any regularly scheduled Board meeting provided that Licensee's petition is received by the Board at least 30 days prior to the Board meeting. Licensee shall have the burden of proving that Licensee has complied with the conditions and that Licensee is qualified to practice dentistry without conditions. Licensee's compliance with the foregoing requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. Fine for Violation of Order. If information or a report required by this stipulation and order is not submitted to the Board by the due date, or if Licensee otherwise violates this stipulation and order, the Committee may fine Licensee \$100 per late report or other violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of

a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

G. Additional Discipline for Violation of Order. If Licensee violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch. 3100, the Board may impose additional discipline pursuant to the following procedure:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the notice is mailed, Licensee shall submit a response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

3. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or a limitation on Licensee's practice, or suspension or revocation of Licensee's license.

H. Other Procedures for Resolution of Alleged Violations. Violation of this stipulation and order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the stipulation and order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit (1) the Committee's right to initiate a proceeding against Licensee pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Licensee pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of Licensee before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

I. Right to an Attorney. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter and has elected to be represented by Carl F. Anderson, who has advised Licensee regarding this stipulation and order. The Committee involved with this matter is comprised of Board members Joan Sheppard, D.D.S., David Linde, D.D.S, and Kristin Heebner, J.D. Assistant Attorney General Nathan Hart is representing the Committee.

J. Waiver of Licensee's Rights. For the purpose of this stipulation, Licensee waives all procedures and proceedings before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the adequateness of discipline in a contested proceeding pursuant to Minn. Stat. ch. 14. Licensee agrees that upon the application of the Committee without notice to or an appearance by Licensee, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board

deliberations and voting concerning the stipulation. Licensee waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14 and section 150A.08, Licensee agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. parts 60 and 61), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.



N. Entire Agreement. Licensee has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Licensee is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

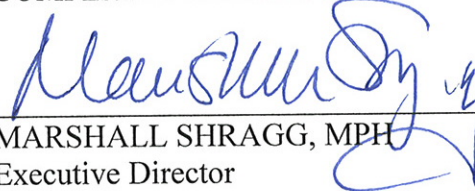
LICENSEE



MARIN R. KOPPER, D.H.

By:

COMPLAINT COMMITTEE



MARSHALL SHRAGG, MPH  
Executive Director

Dated: 8/24/10, 2010

Dated: AUGUST 31<sup>st</sup>, 2010

## ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records, and proceedings herein,

The terms of the Stipulation are approved and adopted, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 24<sup>th</sup> day of September, 2010.

MINNESOTA BOARD  
OF DENTISTRY

By:

Joan Sheppard D.D.S.  
JOAN SHEPPARD, D.D.S.  
President